

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS

TIFFANIE MIDDLETON

PLAINTIFF,

v.

CASE NO. CV-06-1377-I

AMERICAN STANDARD
COMPANIES, dba
THE TRANE COMPANY

DEFENDANT

COMPLAINT

COMES NOW Plaintiff Tiffanie Middleton, by and through her attorneys Gilker and Jones, P.A., and for her cause of action against Defendant American Standard Companies, dba The Trane Company, and states as follows:

1. Plaintiff is an individual resident of Sebastian County, Arkansas.
2. Defendant American Standard Companies, dba The Trane Company (hereinafter "Trane") is an Arkansas corporation having a place of business in Fort Smith, Arkansas.
3. Defendant Trane employs more than 500 individuals and is subject to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e), et seq. and the Arkansas Civil Rights Act, Ark. Code Ann. §16-123-107.

Venue

4. Jurisdiction over the causes of action stated herein is vested in this Court by Ark. Code Ann. §16-123-107(b), 42 U.S.C. §2000e, et seq., the Civil Rights Act of 1964, as amended (the

"Act"). Venue is proper, Plaintiff resides in Sebastian County, Arkansas, and Trane has a place of business in Sebastian County, Arkansas. 42 U.S.C. §2000e-5(f)(3) and A.C.A. 16-55-213.

Facts

5. Plaintiff was a full-time employee of Trane between February 27, 2006 and September 27, 2006. Plaintiff was employed as a Brazer in Trane's Fort Smith Arkansas facility.
6. On October 10, 2006, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission in Little Rock alleging sex and retaliation discrimination (Attachment "A").
7. On November 7, 2006, the EEOC issued a Right to Sue on Plaintiff's Charge (Attachment "B").

Count I: Retaliation

8. Plaintiff was laid off and terminated by Trane on or about September 27, 2006, in retaliation for complaining of sex discrimination at Trane's plant. By laying her off and terminating her, Trane violated Ark. Code Ann. §16-123-108 (a) and (b), which expressly prohibits such retaliation. Trane also violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e), et seq.
9. As a direct result of said violations by Trane, Plaintiff suffered damages in the form of lost wages and mental pain,

suffering, and anguish. Plaintiff seeks monetary damages from Trane in the form of back pay, compensatory damages, and punitive damages, all under Ark. Code Ann. §16-123-107(b) and 42 U.S.C. §2000(e), et seq. Plaintiff is also entitled to recover her costs and attorneys fees incurred in pursuing this action. Ark. Code Ann: §16-123-107(b) and 42 U.S.C. 2000(e), et seq.

Count II. Sex Discrimination

10. Plaintiff repeats and realleges by reference each and every allegation contained in paragraphs 5 through 9 and incorporates the same herein as fully set forth.
11. Plaintiff was the subject of sex discrimination by being subjected to different treatment due to her sex.
12. Plaintiff was not given the Brazer job which she was qualified for due to her sex, female, and terminated by Defendant because she complained about unfavorable treatment she suffered due to her sex, female.
13. As a direct result of said violations Plaintiff seeks damages under 42 U.S.C. §2000(e) and Ark. Code Ann. §16-123-107 in the form of wages, reinstatement, costs and attorneys' fees, compensatory damages, and punitive damages.
14. Plaintiff demands trial by jury of all claims so triable.

Prayer for Relief

WHEREFORE, Plaintiff prays the Court for judgment against Defendant Trane for back pay, compensatory damages, punitive damages, costs, and attorneys fees, under the Arkansas Civil Rights Act of 1993 and under 42 U.S.C. §2000 et seq.; for judgment declaring Plaintiff to have been a full-time employee of the Trane Company; for Plaintiff's costs and attorneys fees incurred in presenting this action; and any and all other relief to which Plaintiff may be entitled.

Respectfully Submitted,
TIFFANIE MIDDLETON, Plaintiff

By: 

Joseph F. Gilker
GILKER AND JONES, P.A.
9222 North Highway 71
Mountainburg, Arkansas 72946
Telephone: (479) 369-4294
Facsimile: (479) 369-2032

Attorney for Plaintiff

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
SUMMONS

TIFFANIE MIDDLETON
PLAINTIFF,

V.

AMERICAN STANDARD COMPANIES, dba
THE TRANE COMPANY
DEFENDANT

CASE NO. CV-06-1377I

Plaintiff's attorney: Joseph F. Gilker
Gilker and Jones, P.A.
9222 N. Highway 71
Mountainburg, Arkansas 72946
(479) 369-4294

THE STATE OF ARKANSAS TO DEFENDANT: AMERICAN STANDARD COMPANIES, dba THE
TRANE COMPANY, 4811 S. Zero, Ft. Smith, AR

NOTICE

1. You are hereby notified that a lawsuit has been filed against you; the relief asked is stated in the attached complaint.
2. The attached complaint will be considered admitted by you and a judgment by default may be entered against you for the relief asked in the complaint unless you file a pleading and thereafter appear and present your defense. Your pleading or answer must meet the following requirements:
 - A. It must be in writing, and otherwise comply with the Arkansas Rules of Civil Procedure.
 - B. It must be filed in the court clerk's office within TWENTY (20) days from the day you were served with this summons.
3. If you desire to be represented by an attorney you should immediately contact your attorney so that an answer can be filed for you within the time allowed.
4. Additional notices:

Witness my hand and the seal of the court this 7th day of December 2006.

Address of Clerk's Office:
Sebastian County Circuit Clerk
Sebastian County Courthouse
P.O. Box 1179
Fort Smith, Arkansas 72902-1179

NANCY BREWER

By: Spady Waggoner d.c.

RETURN

STATE OF ARKANSAS COUNTY OF SEBASTIAN

On this _____ day of _____, 2006, at _____ o'clock _____ M., I have duly served the within Summons by delivering a copy thereof (or stating the substance thereof), together with a copy of the Complaint to such person being:

CHECK APPLICABLE SQUARE

- ☐ The person named therein as defendant.
- ☐ A member of the Defendant's family above 14 years of age at defendant's usual place of abode, namely,

- ☐ The duly designated agent for service of process for the defendant, namely,

OTHER:

SHERIFF

By: _____
Deputy Sheriff